

SENATE BILL 3565

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 20,
relative to litigation costs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 20-12-119, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) Notwithstanding the provisions of any rule or statute to the contrary, in all civil cases, whether tried by a jury or before the court without a jury, the judge shall adjudge the costs in favor of the prevailing party. Such costs shall include all reasonable litigation costs actually incurred due to the proceeding, including but not limited to, reasonable and necessary expenses for investigation, reasonable and necessary court reporter expenses for depositions or trials, reasonable and necessary expert witness fees for depositions or trials, reasonable and necessary interpreter fees for depositions or trials, guardian ad litem fees, reasonable and necessary attorneys fees, and court costs.

(b) For purposes of this section, a party in whose favor a judgment is entered shall be deemed the prevailing party. In negligence actions, a plaintiff is a prevailing party if the plaintiff's negligence is adjudged as less than the defendant's negligence, and a defendant is a prevailing party if the plaintiff's negligence is adjudged as more than the defendant's negligence.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it, and shall apply to all civil causes of action filed on or after that date.